

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 7
: :
KENNETH IRA STARR, *et al.*, : Case No. 11-10219 (MEW)
: :
Debtors. : Jointly Administered
-----x Substantively Consolidated
ROBERT L. GELTZER, AS CHAPTER 7 :
TRUSTEE OF KENNETH IRA STARR, :
STARR & COMPANY, LLC, AND STARR :
INVESTMENT ADVISORS, LLC, :
: Plaintiff, : Adv. Pro. No. 15-01100 (MEW)
: :
v. :
: :
KEITH BARISH, :
: :
Defendant. :-----x

ORDER GRANTING PARTIAL DISMISSAL WITHOUT PREJUDICE

This matter came before the Court on July 1, 2015 on the motion of Defendant Keith Barish to dismiss the Complaint. Based on the papers submitted by the parties and for the reasons stated in open Court on July 1, 2015, it is hereby

ORDERED, that Count One of the Complaint (which asserted a claim for account stated) is dismissed, without prejudice; and it is further

ORDERED, pursuant to the agreement of Plaintiff (as reflected in its opposition papers), that Count Two of the Complaint (which asserted an action for turnover) is dismissed; and it is further

ORDERED, that any amended complaint with respect to the claim for account stated (or with respect to any other claim that Plaintiff wishes to pursue as part of an amended pleading) shall be filed no later than July 21, 2015; and it is further

ORDERED, that the parties shall appear for a pretrial conference and to consider the entry of a Scheduling Order on August 11, 2015 at 10:00 a.m.

Dated: New York, New York
July 1, 2015

s/Michael E. Wiles
UNITED STATES BANKRUPTCY JUDGE